

**BOARD OF APPEALS CASE NO. 5240**

\*

**BEFORE THE**

**APPLICANT: Harford County Department of  
Parks & Recreation**

\*

**ZONING HEARING EXAMINER**

**REQUEST: Variance to construct a storage shed  
within the required side yard setback;  
5310 Norrisville Road, White Hall**

\*

**OF HARFORD COUNTY**

\*

**Hearing Advertised**

\*

**Aegis: 3/20/02 & 3/27/02**

**HEARING DATE: April 22, 2002**

**Record: 3/22/02 & 3/29/02**

\*

\* \* \* \* \*

## **ZONING HEARING EXAMINER'S DECISION**

The Applicant, Harford County Department of Parks and Recreation, is requesting a variance, pursuant to Harford County Code Section 267-24C, Table II, to construct a storage shed within the required 40 foot side yard setback (20 feet proposed) in an Agricultural District.

The subject parcel is located at 5310 Norrisville Road, White Hall, MD 21161 and is more particularly identified on Tax Map 8, Grid 2B, Parcel 65, Lot 1. The parcel consists of 21.15 acres, is zoned Agricultural, and is entirely within the Fourth Election District.

For the Applicant appeared Lee Mundle, a member of the Norrisville Recreation Council and Anthony McClune of the Harford County Department of Planning and Zoning. The facts are undisputed and can be summarized as follows:

The Applicant proposes to construct a storage shed on a large piece of property currently being used as ball fields by the Norrisville Recreation Council. These fields adjoin the fields associated with the Norrisville Elementary School and, without a map, it would be impossible to tell where one set of fields begins and the other ends. There is an existing storage unit at the proposed location that is close to both fields and also close to road surfaces for security purposes. The proposed shed will be 300 feet from the school and is located so that access to drains can occur. The location also allows an existing tennis court to be preserved.

## **Case No. 5240 – Harford County Department of Parks & Recreation**

According to the witnesses, this is the best possible location for such a facility. The land is rolling and irregularly shaped so that any other location would result in a reduction of playing areas, reduced security and potential loss of open space. The Department of Planning and Zoning and the Harford County Department of Parks and Recreation agreed that no adverse impacts would result from the location of the storage shed at this location. The encroachment is only 20 feet and really does not impact any property other than the adjoining recreation fields that the shed will serve.

### **CONCLUSION:**

The Applicant, Harford County Department of Parks and Recreation, is requesting a variance, pursuant to Harford County Code Section 267-24C, Table II, to construct a storage shed within the required 40 foot side yard setback (20 feet proposed) in an Agricultural District.

Harford County Code Section 267-24C, Table II, requires a 40 foot side yard setback. The Applicant proposes locating a storage shed in a manner that requires a variance to these requirements to allow a reduction of the sideyard setback to 20 feet.

Variances of this nature may be approved by the Board of Appeals, pursuant to Section 267-11 of the Harford County Code, provided it finds by reason of the uniqueness of the property or topographical conditions that literal enforcement of the Code would result in practical difficulty and undue hardship. Further, the Applicant must show that the request will not be substantially detrimental to adjacent properties or will not materially impair the purpose of the Code or the public interest.

The Hearing Examiner concludes that the subject property is unique. The parcel is a recreation area converted into playing fields that adjoin the ball fields of the elementary school giving the appearance of one continuous and contiguous recreation area. The shed will serve the Norrisville Recreation Council that utilizes both recreation areas for its year-round programs. There will be no adverse impacts as a result of the minimal encroachment proposed (20 feet) and the purpose of the Zoning Code will not be impaired. Providing sufficient storage for the programs operated for the benefit of the citizens of Harford County serves the public interest and a denial would result in loss of playing areas or open space that is unwarranted under the circumstances.

**Case No. 5240 – Harford County Department of Parks & Recreation**

**The Hearing Examiner recommends approval of the variance.**

**Date: MAY 22, 2002**

**William F. Casey  
Zoning Hearing Examiner**